IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(*Special Original Jurisdiction*)

TUESDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

* * *

WRIT PETITION No.5945 of 1998

Between:

G.Kistaiah s/o.Kannaiah,
Aged about 63 years, 0cc. Rtd. Govt. Employee,
R/o. 8-2-752/2, Bholanagar, Hyderabad. … Petitioner

Versus

Govt.of Andhra Pradesh,
Dept. of Municipal Administration,
Represented by its Secretary,
Secretariat, Hyderabad & Ors. … Respondents

Counsel for the Petitioner: **Sri P.Prabhakar Reddy**

Counsel for the Respondents: **GP for MPL Admn. & Urban Development.**

O R D E R :

The case of the petitioner is that he is the owner of the plot bearing no.66.B admeasuring 210.3 sq.yards in survey no.252 situated at Nagarjunanagaqr, Kushaiguda, Kapra Municipality, Ranga Reddy district.

It is stated that the land in survey no.252 was made into plots and submitted lay out plans for the approval of Hyderabad Urban Development Authority and the layout was also approved on 21-12-1991. As per lay out 30 feet wide road earmarked on western side of the plot and on three sides of the plot.

It is stated that the petitioner submitted an application seeking grant of permission for construction of house on 20-1-1998 but the same was refused on the ground that the local people wanted to lay a road through the plot of the petitioner. Without issuing notice or without acquiring the said land, it is stated that the petitioner cannot be dispossessed or that road can be laid through his land.

Having regard to the facts and circumstances of the case, I am of the opinion that if the said plot of the petitioner is required for laying road and that the said plot of land is not shown as ‘road’ in the approved sanctioned plan by the Hyderabad Urban Development Authority, therefore, the respondent cannot interfere with the peaceful possession and enjoyment of the petitioner, without following due process of law.

With the above direction, the writ petition is accordingly disposed of.

No costs.

APRIL 04th, 2006. ----------

I s L. V. ESWARAIAH, J.